

REMARKS

Claims 1, 2, 4-7, and 9-27 are pending in the application. Claims 1 and 12 are currently amended. Claims 3 and 8 have been cancelled. Claims 24-27 are new claims.

Claims 1 and 23 are amended to recite that the conduit has a noncircular cross-section presenting a major axis (a) and a minor axis (b) each taken with respect to an axial length of the conduit, where the cross-section tending to become slightly more circular as pressure inside the conduit increases. support for this amendment may be found, for example, on page 7 at lines 18-26 of the application as filed and in Figs. 1 and 2.

Claims rejections under 35 USC §101.

Applicant respectfully traverses the rejection of claim 12 under 35 USC §101. The Office finds that only one step of this claim fails to operate on a physical process, i.e., the step of "determining." The Office cites law that the overall process must produce a useful, concrete and tangible result. Applicant does not disagree with that law but, with all due respect, the finding that this process does not produce a concrete, tangible result is error. This is not an abstract method, such as a thought process. This is not an attempt to patent an abstract formula or law of nature. Claim 12 requires vibrating of the conduit to produce a signal that is detected. As claimed the method does operate on physical processes and achieves a tangible result.

Claim rejections under 35 USC §102(b).

Claims 1-3, 6-14, 17-19 and 21-23 stand rejected under 35 USC §102(b) as being anticipated by Bose. As amended, the independent claims 1 and 12 distinguish Bose by reciting that the conduit presents axes (a) and (b) on non-circular cross-section. Bose shows only a conduit of circular cross-section, so the claims are not anticipated. The remaining claims are dependant claims that have patentable merit of their own, but are at least patentable because they

incorporate the limitations of the base claims from which they depend. It will be further appreciated that claims 2, 13, and 14 address conduits of elliptical and oval cross-section. The vibrational mechanics of these non-circular conduits as claimed are quite different than the vibrational mechanics of circular tubes in that the respective dimensions stiffen the conduits to mitigate unwanted vibrational modes. This concept is not taught or suggested in the prior art.

Subject matter indicated to be allowable

The undersigned appreciates the Examiner's indication that the subject matter of claims 4-5 and 15-16 is allowable if rewritten in independent form. This is done in new claims 24-27.

Applicant originally paid for 23 claims and 2 independent claims. The Office is authorized to charge the required fee for 4 additional claims and 2 independent claims. Although no additional fees are believed to be due, the Office is authorized to charge any additionally required fees to deposit account 12-0600.

Respectfully submitted,

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